

Attached hereto is the Appendix showing the changes made to the claims.

REMARKS

Claims 21, 22, 31 and 32 have been amended to define the invention with more clarity and particularity. Claims 14-22, 24-32, and 34 remain before the Examiner. Applicants hereby respectfully request reexamination and reconsideration of those claims in their presently amended form.

Objection to the Specification

At paragraph 2 of the Office Action, the Examiner raised objections to the specification regarding priority of the instant application. In view of the amendment to the specification, this objection should no longer apply.

The Examiner has objected to the use of specific trademarks. Applicants respectfully request that this objection be held in abeyance until claims are allowed.

Double Patenting Rejection

The Examiner has rejected claims 14, 17-19, 21, 22, 24, 25, 28-32, and 34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,759,817. Enclosed herewith is a Terminal Disclaimer filed in compliance with 37 C.F.R. § 1.321(b) disclaiming an enforceable term of the instant application beyond the term of U.S. Patent No. 5,759,817. In view of this Terminal Disclaimer, Applicants respectfully request that this rejection be withdrawn.

Rejections Under the First Paragraph of 35 U.S.C. § 112

The Examiner has rejected claims 22 and 32 under the first paragraph of 35 U.S.C. § 112 for an alleged lack of enablement. Enclosed herewith is an affidavit stating that the deposit of hybridoma ATCC 75408 has been made under the terms of the Budapest Treaty. In view of this affidavit, Applicants respectfully request that this rejection be withdrawn.

Rejections Under the Second Paragraph of 35 U.S.C. § 112

The Examiner has rejected claims 21, 22, 31 and 32 under the second paragraph of 35 U.S.C. § 112 as allegedly being indefinite. In view of the amendment to these claims, this rejection should no longer apply.

Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 14, 17-19, 21, 22, 24, 25, 28-32, and 34 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,759,817 ("the '817 patent"). Applicants respectfully argue against this rejection for the reasons that follow. U.S. Patent No. 5,759,817 is not prior art against the subject application. The '817 patent, which issued on June 2, 1998, was based on Application No. 322,730, filed October 12, 1994 and claimed priority as a continuation of U.S. Patent Serial No. 826,623, filed January 27, 1992, which application was a continuation-in-part of U.S. Patent Application Serial No. 683,602, filed April 10, 1991. The present application claims priority back to January 27, 1992. An examination of the file history of the '817 patent clearly shows that the subject matter of the presently claimed invention was first disclosed in the file history in Application Serial No. 826,623, having a filing date of January 27, 1992. None of that subject matter of the pending

claims in the instant application was disclosed in Serial No. 683,602, having a filing date of April 10, 1991. Thus, the '817 patent was not based on an application disclosing the claimed invention having a filing date before the priority date of the instant application. In view of the above, Applicants respectfully submit that the '817 patent is not prior art against the instant application and that the 102(e) rejections be withdrawn.

Objections to the Claims

The Examiner has objected to claims 15, 16, 20, 26, and 27 as being dependent upon a rejected base claim. In view of the arguments set forth above, Applicants respectfully submit that the base claims rejections no longer apply and should be withdrawn. Thus, claims 15, 16, 20, 26, and 27 are not dependent upon a rejected claim.

SUMMARY

In view of the amendments to the claims and for the reasons set forth above, Applicants respectfully submit that the claims are now in a condition of allowance. An early notification to that effect is hereby earnestly solicited.

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TSRI 409.1 D2

Respectfully submitted,

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DATE

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APPENDIX

VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

21. (once amended) The method of claim 14 wherein said immunoglobulin light chain gene includes a sequence having the sequence [characteristics of the light chain] shown in SEQ ID NO 2 or in SEQ ID NO 62.

22. (once amended) The method of claim 14 wherein said immunoglobulin light chain gene has the sequence [characteristics] of the light chain gene in ATCC Accession No. 75408.

31. (once amended) The method of claim 25 wherein said immunoglobulin light chain gene includes a sequence having the sequence [characteristics of the light chain] shown in SEQ ID NO 2 or in SEQ ID NO 62.

32. (once amended) The method of claim 25 wherein said immunoglobulin light chain gene has the sequence [characteristics] of the light chain gene in ATCC Accession No. 75408.

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